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VIA ECF

Honorable Richard M. Berman  
United States District Judge  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street, Courtroom 17B  
New York, New York 10007

Re: United States v. Reza Zarrab, et al., S3 15 Cr. 867 (RMB)

Dear Judge Berman:

We respectfully submit this letter with regard to the Court's order of May 17, 2017, setting the trial in this matter to start on October 30, 2017.

We are working with the October 30<sup>th</sup> date in mind as a firm trial date, and Mr. Atilla, who is in custody, is anxious to keep that date. We wish, however, to bring to the Court's attention some matters that may require us to ask the court to delay the start of the trial. Those matters involve circumstances that are beyond our control.

We are in the early stages of reviewing the discovery that we have received from the government. The information is voluminous and includes hundreds of thousands of emails and thousands of recorded conversations. 125 gigabytes of data was produced just a week ago. In an effort to facilitate our review, the government met with us two weeks ago to discuss the broad outlines of its case and supporting evidence.

Most of the discovery that we have received so far is in languages other than English. It is taking us a significant amount of time to translate the materials just to understand what is included. It will take us a considerable amount of additional time to analyze the information properly. Once we process and understand the information, I anticipate that we will be requesting additional information from the government as we prepare for trial. We have yet to agree with the government to the terms of a protective order and, as a result, we have been somewhat hobbled in our ability to share the discovery with Mr. Atilla. We are now allowed to show information to Mr. Atilla, but cannot leave discovery with him. We hope to have a negotiated protective order in place in the next few days. Once the protective order is in place, we expect that our review of the information will proceed more quickly.

We think it is worth noting that, on the current schedule, at the time of trial Mr. Atilla's co-defendant, Reza Zarrab, will have had at least some of the government's discovery for over 16 months whereas Mr. Atilla will have had access to it for less than five months. We mention this not to suggest that we will need an additional year to review the government's discovery, but only as an indicator of why we are respectfully requesting some flexibility with respect to the current trial date.



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At the same time, as part of our trial preparation, we are also conducting our own investigation. While it is far from clear just what it is Mr. Atilla is alleged to have done, it is clear that many of the transactions and his conduct occurred in Turkey so that witnesses to certain events and important documents are located in Turkey. We anticipate that we will be requesting foreign discovery under the Mutual Legal Assistance Treaty between the United States and the Republic of Turkey. Requests for foreign discovery are time consuming and often require many months to schedule and resolve. We hope to prepare our requests for foreign assistance as soon as our review of the government's discovery permits, but we have no control over the MLAT process and cannot be certain that the process will be concluded before the date that the court has set for trial.

In the event that our progress is impeded in either of these projects, we believe that it is possible that the October 30<sup>th</sup> trial date will prove too ambitious. We respectfully request, therefore, that the Court allow us until August 1, 2017 to return to the Court with our assessment of whether the October 30<sup>th</sup> trial date remains feasible, and how much more time, if any, may be needed to prepare for trial.

Respectfully submitted,

HERRICK, FEINSTEIN LLP

/s/ Victor J. Rocco

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cc: All Counsel of Record (by ECF)